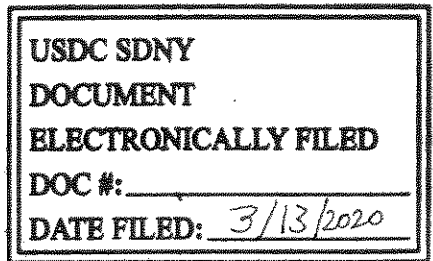


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
BERNARD SCARBOROUGH,

Plaintiff,

-v-

U.S. SECURITY ASSOCIATES, INC.,

Defendant.
-----X

19cv2037 (DLC)

ORDER

DENISE COTE, District Judge:

On November 5, 2019, during fact discovery and following an unsuccessful mediation, Christopher Mason ("Mason") and Locksley Wade ("Wade") moved to withdraw as counsel for plaintiff in the above-captioned case. In their supporting affidavit, Mason and Wade stated that plaintiff had ceased communication with counsel and that they could not comply with their discovery obligations or otherwise prosecute the case as a result.

An Order of November 12, 2019 granted Mason and Wade's motion to withdraw. The November 12 Order further ordered that any new counsel for plaintiff must file a Notice of Appearance by December 6 and that, if no counsel appeared on plaintiff's behalf, plaintiff must complete a Notice of Appearance form and submit it by mail to the Pro Se Office of this Courthouse by December 6. The November 12 Order included instructions for filing a Notice of Appearance and other resources for pro se

litigants. The November 12 Order advised plaintiff that failure to submit a Notice of Appearance and proof of service of such Notice on defendant may result in dismissal of the action for failure to prosecute. The schedule for the remainder of the litigation set forth in the Order included the completion of fact discovery by January 31, 2020.

The November 12 Order required Mason and Wade to serve a copy of the November 12 Order on plaintiff and file proof of service on the public docket. On November 13, Mason filed a Certificate of Service of the November 12 Order stating that a copy of the November 12 Order was mailed to plaintiff's last known address.

On December 13, after no Notice of Appearance had been filed by plaintiff or new counsel, the action was dismissed. On January 6, 2020, plaintiff filed a Notice of Appeal of the December 13 dismissal.

On March 10, 2020, nearly four months after the November 12 Order, plaintiff filed a motion to set aside the judgment pursuant to Rule 60, Fed. R. Civ. P. The motion principally complains about the services provided by Mason and Wade. The plaintiff also explains, however, that he never told his attorneys that he did not want them to represent him.

The March 10 filing is the pro se plaintiff's first communication with this Court. The March 10 Motion does not

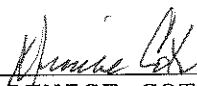
explain plaintiff's failure to correspond with this Court. In his motion, plaintiff states that he was not aware that he had to file a pro se Notice of Appearance form. Plaintiff's March 10 motion does not address whether he received the November 12 Order. As of the date of this Order, plaintiff has not filed a Notice of Appearance. Accordingly, it is hereby

ORDERED that by **March 26, 2020**, the plaintiff shall submit a letter to the Pro Se Office of this Courthouse at 500 Pearl Street, Room 200, New York, NY 10007 stating whether he received the November 12 Order and, if so, the date on which he received it.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order may result in a denial of plaintiff's March 10 Motion.

SO ORDERED:

Dated: New York, New York
March 13, 2020



DENISE COTE
United States District Judge

Copy Mailed to:
Bernard Scarborough
2931 Eighth Avenue, Apt. 7F
New York, NY 10039